IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5228 of 2000
SPECIAL CIVIL APPLICATION No 5236 of 2000
SPECIAL CIVIL APPLICATION No 5237 of 2000
SPECIAL CIVIL APPLICATION No 5280 of 2000
SPECIAL CIVIL APPLICATION No 5299 of 2000
SPECIAL CIVIL APPLICATION No 5368 of 2000
SPECIAL CIVIL APPLICATION No 5407 of 2000
SPECIAL CIVIL APPLICATION No 5465 of 2000
SPECIAL CIVIL APPLICATION No 5466 of 2000
SPECIAL CIVIL APPLICATION No 5235 of 2000
SPECIAL CIVIL APPLICATION No 5149 of 2000
SPECIAL CIVIL APPLICATION No 5150 of 2000
SPECIAL CIVIL APPLICATION No 5152 of 2000
SPECIAL CIVIL APPLICATION No 5156 of 2000
SPECIAL CIVIL APPLICATION No 5157 of 2000 and
SPECIAL CIVIL APPLICATION No 5895 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAVAL AMITKUMAR JAGADISHCHANDRA

Versus

STATE OF GUJARAT 3RD SPECIAL LAND ACQUISITION

Appearance:
SPECIAL CIVIL APPLICATION No 5228 of 2000
MR KB PUJARA for Petitioner

MR VB GHARANIA, AGP for Respondents

SPECIAL CIVIL APPLICATION Nos. 5236, 5237 and 5299 of 2000
M/s BR PARIKH & LM BHATT for Petitioners
MR VB GHARANIA, AGP for Respondents

SPECIAL CIVIL APPLICATION No 5280 of 2000
MR MM TIRMIZI for Petitioner
MR VB GHARANIA, AGP for Respondents

SPECIAL CIVIL APPLICATION Nos. 5368, 5407, 5465 and 5466 of 2000
MR BR PARIKH & MR RB PARIKH for Petitioners
MR VB GHARANIA, AGP for Respondents

SPECIAL CIVIL APPLICATION NO 5235 of 2000
MR ANIL M RAWAL for Petitioner
MR VB GHARANIA, AGP for Respondents

SPECIAL CIVIL APPLICATION Nos. 5149, 5150 and 5152 of 2000
MR MR SHAH for Petitioners
MR VB GHARANIA, AGP for Respondents

SPECIAL CIVIL APPLICATION Nos. 5156 and 5157 of 2000
MR BR PARIKH for Petitioners
MR VB GHARANIA, AGP for Respondents

SPECIAL CIVIL APPLICATION No 5895 of 2000
MR BM MUNGUKIYA for Petitioner
MR VB GHARANIA, AGP for Respondents

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 22/06/2000

ORAL (COMMON) JUDGEMENT

The petitioners in this Group of Petitions have passed Higher Secondary School Certificate Examination held in March, 2000 and are candidates for admission to Primary Teachers Training College. The State Government has framed Rules for admission in exercise of the powers conferred by Clause D of Sub-section (2) of Section 13 of the Gujarat Educational Institutions (Regulation) Act, 1984. The Rules provide that the minimum age of candidates for admission to Primary Teachers Training College shall be 17 years at the commencement of the academic year and no candidate shall be admitted in any educational institution if his age exceeds 24 years.

Rule 5(6) provides that, unless otherwise directed by Director, the academic year of the Educational Institution shall commence from 1st July. Thus, in view of these Rules, the students seeking admission to Primary Teachers Training College must have attained the age of 17 years as on 1st July. The petitioners in this Group of petitions do not attain the age of 17 years on 1st July. Hence, they have filed these petitions. The petitioners have challenged the validity of the Rules prescribing the minimum age for admission and also the fixation of 1st July as the cut off date on which the minimum age has to be attained.

2. As far as challenge to the prescription of minimum age is concerned, the point is concluded against the petitioners by a decision of the Division Bench in Soni Varshaben Rasiklal vs. Director of Education, Gandhinagar & anr. {1989 (2) GLR Page 907}. The Division Bench held that the wisdom of the State Government in fixing the age limit for those who have to get training in this course cannot be interfered with or modified by this court and that the petitioner has also not pointed out any shocking infirmity in fixing up such an age limit.

3. The petitioners have also challenged the cut off date of 1st July, 2000 on which the minimum age of 17 years should be attained. Broadly, the contention on behalf of the petitioners is that under the Primary Education Rules the students are admitted to 1st standard if they have attained the age of 5 years as on 31st August and hence, the same date should be continued for admission to all courses even after the students have passed the Higher Secondary Certificate Examination. It is submitted that the cut-off date for admission to ATD course is 31.08.2000. It is also contended that no cut off date is fixed for admission to Engineering courses and the cut off date is 31st December for Medicine, Ayurveda and Homeopathy courses. It is contended that the cut off date should be uniform in all courses.

4. It appears that in 1992 the Director, in exercise of the powers conferred by the Rules, had ordered the academic term to commence from 15th June instead of 1st July and the said date was challenged in Special Civil Application No.5554 of 1992. A Division Bench of this court repelled the challenge and held that it cannot be said that the Director of Education has not taken a just and reasonable approach. It is contended that in 1996, the cut off date was 1st November, 1996 but then it was admitted that in that year the academic year began on 1st

November, 1996. Thus, the cut off date for admission to the P.T.C. courses is the date of commencement of the academic year, which is prescribed as 1st July under the Rules, unless the Director directs otherwise. It is for the Director to consider whether any other date should be fixed or not in exercise of the powers conferred upon him under the Rules depending on the circumstances prevailing in a particular year. The court cannot substitute any other date for the date fixed by the Rules or fixed otherwise by the Director. Students seeking admission to different courses fall in different classes and it is not necessary that the same cut off date should be prescribed for all the courses. Merely because different dates are prescribed for different courses, it cannot be said that the date prescribed for any particular course is arbitrary or irrational. There must have been valid reasons for prescribing 31st December as the cut off date for admission to Medicine and if the argument that the date should be uniform is accepted, then dates for other courses may also have to be changed. Fixing of a cut off date for determining maximum or minimum age prescribed for admission is in the discretion of the rule-making authority. One has to accept that such a cut off date cannot be fixed with any mathematical precision and in such a manner as would avoid hardship in all conceivable cases. As soon as the cut off date is fixed, there will be some persons who fall on the right side of the cut off date and some on the wrong side. That cannot make the cut off date per se arbitrary. In the circumstances, I see no substance in the challenge to the validity of the Rules prescribing the commencement of the academic year as the cut off date which, in the present case, is 1st July.

5. All the petitions are dismissed. Rule is discharged in all Special Civil Applications. Interim relief stands vacated in Special Civil Application Nos. 5228, 5236, 5237, 5299, 5280, 5368, 5407 and 5235 of 2000.

6. The learned counsel for the petitioners pray for extension of interim relief for a period of 15 days so as to enable them to prefer an Appeal against this judgment. However, no interim relief can be granted in breach of any statutory rules and when the petitions are dismissed, there is no question of extending the interim relief. The prayer is, therefore, refused.

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